

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-121-JED

JOSE HERNANDEZ,

Defendant.

OPINION AND ORDER

Before the Court is a Motion for Leave to Dismiss (“Motion”) filed by the United States of America (“Government”). Dkt. No. 5. Pursuant to Federal Rule of Criminal Procedure 48(a), the Government asks this Court for leave to dismiss the Indictment filed against Defendant Jose Hernandez [Dkt. No. 2]. *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. Accordingly, the Court finds that the Government’s Motion should be granted.

IT IS THEREFORE ORDERED that the Government’s Motion for Leave to Dismiss [Dkt. No. 5] is GRANTED.

IT IS FURTHER ORDERED that the Indictment [Dkt. No. 2] is DISMISSED without prejudice.

DATED this 12th day of October 2022.



JOHN F. HEIL, III
CHIEF UNITED STATES DISTRICT JUDGE